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COUNSEL FOR TRUSTEE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**IN RE:** §  
§  
**MCCLAIN FEED YARD, INC., et al.<sup>1</sup>** § **CASE NO. 23-20084-RLJ-7**  
§  
§  
**Debtors.** § **Jointly Administered**

**TRUSTEE'S RESPONSE TO CITIZENS BANK'S MOTION FOR RELIEF FROM STAY**

TO THE HONORABLE ROBERT L. JONES, BANKRUPTCY JUDGE:

COMES NOW, Kent Ries, Trustee (the “Trustee”) of the referenced Chapter 7 bankruptcy estates, and files this Response to Citizens Bank’s Motion for Relief from Stay (the “Motion”), and in support thereof would respectfully show unto the Court as follows:

1. Debtors filed for relief under Chapter 7 of the United States Bankruptcy Code on April 28, 2023. Kent Ries was subsequently appointed and qualified to serve as the Trustee over the three bankruptcy estates.

**A. The Motion**

2. Citizens Bank (“Citizens”), filed its Motion on July 11, 2023, claiming a security interest in a 2022 Dodge Ram pickup (the “Vehicle”). The Motion contains an “Affidavit for Sworn Account...” that refers to sixteen pages of records from Citizens. These records appear to

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<sup>1</sup> The Debtors in these Chapter 7 cases are: McClain Feed Yard, Inc. (Case No. 23-20084-RLJ), McClain Farms, Inc. (Case No. 23-20085-RLJ), and 7M Cattle Feeders, Inc. (Case No. 23-20086-RLJ)

include a five-page Retail Installment Contract and Security Agreement (the “Contract”), a nine-page mailing matrix and a two-page proposed order.

3. The Motion asserts a debt balance of \$30,571.29 as of June 28, 2023. The Motion makes no mention of the value of the vehicle. It appears the vehicle sale price in the Contract was \$75,141.10 as of August 8, 2022.

#### **B. Trustee Response**

4. The Motion does not assert in its body, nor in its exhibits, how Citizens is the owner of the Contract or a secured creditor of the Debtors.

5. The Motion does not assert in its body, nor in its exhibits, how Citizens is a perfected lienholder on the vehicle. Without a perfected lien any security interest of Citizens is avoidable by the Trustee.

6. The Motion ignores the apparent equity of over \$40,000.00 based on the sale price of the Vehicle less than one year ago and the asserted debt balance.

**WHEREFORE, PREMISES CONSIDERED**, Kent Ries, Trustee herein, respectfully prays for an Order of this Court on Citizen’s Motion for Relief from Stay consistent with the above, and for such other relief, at law or in equity, to which the Trustee may show himself justly entitled.

Respectfully submitted,

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By: /s/ Kent Ries  
Kent Ries  
State Bar No. 1691450

COUNSEL FOR TRUSTEE

**CERTIFICATE OF SERVICE**

I certify that on the 25<sup>th</sup> day of July 2023, a true and correct copy of the foregoing response was sent electronically via ECF to the party listed below:

Citizens Bank NA  
Shawn K. Brady  
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/s/ Kent Ries  
Kent Ries